



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,748	08/05/2003	Robert J. Bolender	SYNA-20030715-01	9656

7590 06/13/2006
WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

BECK, ALEXANDER S

ART UNIT PAPER NUMBER

2629

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/635,748	Applicant(s) BOLENDER ET AL.	
	Examiner Alexander S. Beck	Art Unit 2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires ~~6~~ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

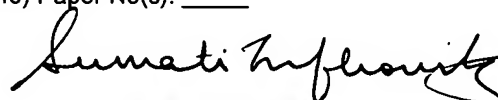
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-68.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


SUMATI LEFKOWITZ
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant asserts that Bick fails to teach the capacitive sensor integrated within the keymat as recited in Independent Claim 39 and clearly shown in Figure 11 and described in the Specification including page 26 lines 20 through page 27 lines 10.

As stated in the Final Office Action mailed on 4/5/06, it is the Examiner's stance that elements 28,29,30 in Figure 3 of Bick read on a "keymat" as presently claimed, in that it is deformable to actuate a switch sensor (33a,33b) (Bick: column 3, lines 19-24). Moreover, Bick discloses expressly wherein a capacitive sensor (19) is integrated with the above mentioned "keymat" (Bick: column 2, lines 65-67).

Section 2111 of the MPEP states that "...words in a claim are generally not limited in their meaning by what is shown or disclosed in the specification ... it is only when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language ... a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.

After carefully reading page 26 lines 20 through page 27 lines 10 of the specification in the instant application, the Examiner finds no definition for the term "integrated" in the written description, but rather a particular embodiment describing a "capacitive sensor device has been integrated within the rubber material of keymat assembly", as illustrated in Figure 11. Therefore, this particular embodiment appearing in the written description and illustrated in Figure 11 will not be read into the claims since the term "integrated" is broader than the embodiment (e.g., to integrate is "to join with something else", The American Heritage College Dictionary, Fourth Edition). Moreover, the broadest interpretation of the term "integrated", as detailed in the Final Office Action, is consistent with the interpretation that those skilled in the art would reach.

2. Applicant asserts that the keymat claimed is not just an adhesive but is an actual rubber material structure that is deformable to actuate switch sensors.

As stated above and in the Final Office action, it is the Examiner's stance that elements 28,29,30 in Figure 3 of Bick read on a "keymat" as presently claimed, in that it is deformable to actuate a switch sensor (33a,33b). Moreover, as stated in the Final Office Action, Bick discloses wherein elements 28,30 are adhesive materials and the use of rubber adhesive materials would have been an obvious modification. It is the Examiner's position that elements 28,29,30 are not "just an adhesive" or a "glob of rubber based adhesive", but a rubber material structure that is deformable to actuate switch sensors 33a,33b.

asb
6/2/06